

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

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ALYSA OCASIO, ANDREW OCASIO, and JAHAIIRA
HOLDER, as Administratrix of the Estate of Sandy
Guardiola,

Plaintiffs,

- against -

The CITY OF CANANDAIGUA, a municipal entity;
Canandaigua Police Chief STEPHEN HEDWORTH, in
his individual and official capacities; Canandaigua Police
Sergeant SCOTT KADIEN, in his individual capacity;
DOCCS Parole Chief DAWN ANDERSON, in her
individual capacity; DOCCS Senior Parole Officer
THOMAS O'CONNOR, in his individual capacity;
DOCCS Senior Parole Officer BETH HART-BADER, in
her individual capacity; GRAND ATLAS PROPERTY
MANAGEMENT, LLC, formerly known as MORGAN
MANAGEMENT LLC, a domestic Limited Liability
Company; MORGAN COMMUNITIES
MANAGEMENT, LLC ("Morgan Communities"), a
domestic Limited Liability Company; PINNACLE
NORTH I LLC ("Pinnacle"), a foreign Limited Liability
Company; and JOHN and JANE DOE #1 and #2,
employees of GRAND ATLAS, MORGAN
COMMUNITIES, and/or PINNACLE,

Defendants.
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**AFFIRMATION OF
MARC ARENA
IN SUPPORT OF
PLAINTIFFS' MOTION FOR
LEAVE TO FILE SECOND
AMENDED COMPLAINT
AND TO AMEND THE
CAPTION**

No. 18-cv-06712 (DGL) (MWP)

I, MARC ARENA, an attorney duly admitted to practice law in the State of New York
and in this court, affirm under penalty of perjury:

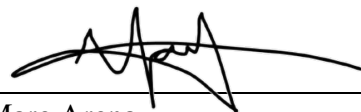
1. I am an associate at Beldock Levine & Hoffman LLP, the firm representing
Plaintiffs Alysa Ocasio, Andrew Ocasio, and Jahaira Holder, as Administratrix of the Estate of
Sandy Guardiola. I am well-familiar with the facts of this case. I submit this affirmation in
support of Plaintiffs' Motion for Leave to File a Second Amended Complaint and to Amend the
Caption.

2. Annexed hereto are true and accurate copies of the following exhibits:

- Exhibit 1:** Proposed Second Amended Complaint.
- Exhibit 2:** Proposed Second Amended Complaint (Redline).
- Exhibit 3:** State Defendants' Rule 26 Disclosures dated September 30, 2020.
- Exhibit 4:** Excerpt of New York State Police Supplemental Report.
- Exhibit 5:** State Defendants' Response to Plaintiffs' First Set of Interrogatories, Demands for Production of Documents to DOCCS Defendants dated September 30, 2020.
- Exhibit 6:** State Defendants' Supplemental Response to Plaintiffs' First Set of Interrogatories and Response to Supplemental Interrogatories dated September 20, 2021.
- Exhibit 7:** Email from Grant Scriven sent October 2, 2017 at 10:27 a.m.
- Exhibit 8:** Email from Rita Spaulding to Grant Scriven sent October 4, 2017 sent at 7:31 a.m.
- Exhibit 9:** Email from Sandy Guardiola sent October 3, 2017 at 4:31 p.m.
- Exhibit 10:** Excerpts of Deposition Transcript of Defendant Thomas O'Connor.
- Exhibit 11:** Excerpts of Deposition Transcript of Defendant Dawn Anderson.
- Exhibit 12:** Email from State Defendants attaching voicemail of Sandy Guardiola.
- Exhibit 13:** Excerpts of Draft Deposition Transcript of Patrick O'Connor.
- Exhibit 14:** Email from Rita Spaulding sent October 4, 2017 at 8:05 a.m.
- Exhibit 15:** Email from Sandy Guardiola sent September 11, 2017 at 4:48 p.m.
- Exhibit 16:** Email from Sandy Guardiola sent September 28, 2017 at 2:12 p.m.
- Exhibit 17:** Email chain forwarding October 12, 2017 Notice to Preserve.

Dated: July 18, 2022
New York, New York

Respectfully submitted,



Marc Arena